



W.P(MD)No.3329 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.3329 of 2023

Anchukannukalungu Arulmigu Madan
Thampuran Esakki Amman Kovil,
Puthukkadai - 629 171,
Kanyakumari District,
Rep by its President.

... Petitioner

Vs.

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.
- 3.The Sub Collector,
Padmanabhapuram Sub Division,
Thuckalay Post,
Kanyakumari District.
- 4.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Highway Office at Kuzhithurai,
Kanyakumari District.
- 5.The Inspector of Police,
Puthukkadai Police Station,
Puthukkadai Post,
Kanyakumari District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent on 03.02.2023 and quash the same and further direct the respondents 1, 3, 4 to grant permission to erect decorative Arches with lights at Anjukannukalungu Temple junction over Kuzhithurai to Thengapattinam Road in the event of conducting 57th Masi Thiruvizha in Arulmigu Mandan Thampuran Esakki Amman Kovil, Anchukannukalungu in Kunnathoor Village of Vilavancode Taluk in Kanyakumari District scheduled on 01.03.2023 to 07.03.2023 based on the petitioner representation dated 27.01.2023.

For Petitioner : Mr.V.H.S.Prathap

For Respondents : Mr.M.Lingadurai,
Spl. Govt. Pleader for R1, R3 & R5.
Mr.R.Sivakumar,
Govt. Advocate (Crl. Side) for R2 & R5.

ORDER

Heard the learned counsel on either side.

2.The petitioner wants to erect decorative arches for the petition mentioned festival function. The petitioner's request was rejected by citing the



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proceedings dated 23.06.2022 issued by the District Collector and District Magistrate, Kanyakumari District at Nagercoil. Challenging the same, the present writ petition has been filed.

3.My attention is drawn to the order dated 10.06.2022 in W.P.(MD)No.11249 of 2022 passed by a learned Judge of this Court. Paragraph Nos.5, 6 and 7 of the said order read as follows:-

“5.The petitioner seeks permission to erect decorative Arches and lights on the road during the temple festival. No doubt, it would cause dangerous situation to the public. The petitioner is undertaking to take necessary safety measures for erecting decorative Arches and lights only for the festival purpose. Further, this Court already permitted to consider the representation by the respondent Police for erecting decorative Arches and lights in the same locality for different temples.

6.In these circumstances, the fourth respondent is hereby directed to consider the fresh representation given by the petitioner for erecting decorative Arches and lights, during the festival time.

7.With the above direction, the writ petition is disposed of. No costs.”



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4.The present writ petition is also disposed of on the same lines. The organizers of the function will give an undertaking before the authority concerned that they are responsible for all the ensuing consequences. The learned counsel for the petitioner states that a representation will be submitted by 21.02.2023 itself. The fourth respondent shall pass order in the light of the observations mentioned herein within a few days thereafter.

5.The writ petition is disposed of accordingly. No costs.

20.02.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

Issue order copy on 21.02.2023.

To:

- 1.The District Collector,
Kanyakumari District,
At Nagercoil.
- 2.The Superintendent of Police,
Kanyakumari District,
At Nagercoil.



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- 3.The Sub Collector,
Padmanabhapuram Sub Division,
Thuckalay Post,
Kanyakumari District.
- 4.The Assistant Divisional Engineer,
Highways (Construction and Maintenance),
Highway Office at Kuzhithurai,
Kanyakumari District.
- 5.The Inspector of Police,
Puthukkadai Police Station,
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Kanyakumari District.



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G.R.SWAMINATHAN, J.

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20.02.2023